

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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CITY OF CONCORD, NEW HAMPSHIRE

Complainant

and

LOCAL 1580, AMERICAN FEDERATION OF  
STATE, COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO

Respondent

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CASE NO. A-0432:1

DECISION NO. 780025

APPEARANCES

Representing the City of Concord:

Paul F. Cavanaugh, Esq., City Solicitor

Representing Local 1580, AFSCME:

James J. Barry, Jr., Esq., Counsel

WITNESSES:

For the City: Joseph C. Musumeci, Personnel Director  
Thomas F. Dwyer, Assistant City Manager

For Local 1580: J. Harvey Russell, President

BACKGROUND

The City of Concord on January 9, 1978 filed charges of unfair labor practice against Local 1580, AFSCME, and its President, J. Harvey Russell, alleging a violation of RSA 273-A:5, II(b) and (d), for interference in the City's selection of agents to represent it in collective bargaining negotiations and for failure to negotiate in good faith by attempting to circumvent the City's negotiating representatives, and by requesting members of the City Council, along with all blue collar workers of the City, to attend a meeting of the Local to discuss the Civil Service Commission Report.

A hearing on the charges was held in the Board's office in Concord on March 29, 1978.

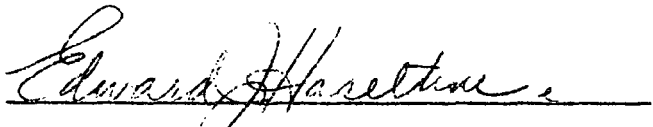
The City in its charges introduced certain ground rules for collective bargaining negotiations, a flyer on the organization meeting and a recently circulated petition on the distribution of wages under the proposed Civil Service Evaluation.

FINDINGS OF FACT

1. Evidence before PELRB clearly indicates that the invitation to the members of the City Council was to attend an evening of discussions and information and in no way indicates any attempt on the part of Local 1580 to circumvent the negotiations process by bypassing the negotiations and going directly to the City Council.
2. The purpose of the meeting held by Local 1580 was informational only and could not in any way be construed a violation of RSA 273-A:5.

DECISION AND ORDER

Based on the evidence and testimony presented at the March 29th hearing, the Board finds Local 1580 NOT guilty of engaging in unfair labor practice under RSA 273-A:5, II(b) and (d).

  
RICHARD H. CUMMINGS, ACTING CHAIRMAN

Signed this 5th day of July, 1978

By unanimous vote of the Board. Present and voting, Acting Chairman Richard H. Cummings, Edward L. Allman and Joseph B. Moriarty. Also present, Board Clerk, Evelyn C. LeBrun. Absent: Chairman Edward J. Haseltine and Board Member James C. Anderson. Anderson took no part in the discussions or decision making in the above case.

*Union's invitation to a meeting to Council members was not intended to bypass City bargaining or not a CLP*